

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine  
Commission's Future Energy Efficiency Policies,  
Administration and Programs

Rulemaking 01-08-028  
(Filed August 23, 2001)

**RESPONSE TO ALJ THOMAS'S RULING OF 6/17/2002 REGARDING  
EVALUATION, MEASUREMENT AND VERIFICATION OF LOCAL  
ENERGY EFFICIENCY PROGRAMS**

**EM&V Contractor Selection for  
XENERGY's  
Comprehensive Compressed Air Program (202AB-02) and the  
Energy Efficient Local Government Partners Program (144AB02)**

JULY 2, 2002

Submitted by:

Rich Barnes  
XENERGY, Inc.  
492 Ninth Street, Suite 220  
Oakland, CA 94607  
Tel. (510) 891-0446  
Fax. (510) 891-0440  
E-mail: rbarnes@xenergy.com

## **1 INTRODUCTION**

In reference to the Judge Thomas' ruling on June 17, 2002 regarding evaluation, measurement and verification (EM&V) of third party local energy efficiency programs, XENERGY respectfully submits our list of preferred EM&V contractors for the EEGOV Program (144AB-02) and the Comprehensive Compressed Air Program (202AB-02).

## **2 RECOMMENDED EM&V CONTRACTORS**

XENERGY nominates the following firms to conduct the local program evaluation of the EEGOV Program and the Comprehensive Compressed Air Program. Each of the recommended firms has extensive EM&V project experience and is fully qualified for the scope of work as it pertains to the EEGOV and the Comprehensive Compressed Air Programs.

### **1. *Nexant, Inc.***

1333 Broadway, Suite 1015  
Oakland, CA 94612  
Contact: Steve Schiller  
Telephone: (510) 444-6500

### **2. *Energy and Environmental Economics, Inc.***

353 Sacramento Street Suite 1700  
San Francisco, California 94111  
Contact: Ren Orens  
Telephone: (415) 391-5100

### **3. *KW Engineering***

360 17<sup>th</sup> Street, Suite 100  
Oakland, CA 94610  
Contact: Jim Kelsey

### **4. *Telephone: (510) 834-6420 Quantec***

6229 SE Milwaukie Avenue  
Portland, OR 97202  
Contact: M. Sami Khawaja, Ph.D.  
Phone: 503-228-2992

### **3 CONTRACTOR INDEPENDENCE**

XENERGY operates completely independently from the above EM&V firms. There are no financial, contractual or other mechanisms whereby the companies could influence each other with regard to the integrity of the EM&V process.

### **4 PAST WORK BY CONTRACTOR FOR RECIPIENT**

Work done by each recommended EM&V Contractor is listed below.

#### **4.1 *Nexant, Inc.***

Nexant is currently a subcontractor to XENERGY on the Demand Response Guidebook Project. This work is currently being performed for the California Energy Commission.

#### **4.2 *Energy and Environmental Economics, Inc.***

There are no previous business relationships between XENERGY and Energy and Environmental Economics.

#### **4.3 *KW Engineering***

KW Engineering worked as a subcontractor to XENERGY on the Industrial Impact Evaluation Study for PG&E in 1998-99.

#### **4.4 *Quantec***

XENERGY is currently a subcontractor to Quantec on the Evaluation of the Northwest Energy Efficiency Alliance's MagnaDrive Program. This contract was awarded in the summer of 2000 and consists of a series of annual Market Progress Evaluation Reports. The project is ongoing.

### **5 FACTORS THAT WOULD LEAD TO A QUESTION OF INDEPENDENCE**

XENERGY knows of no factors that would lead a reasonable person to question whether any of our recommended EM&V Contractors are independent from XENERGY. Each recommended EM&V Contractor is fully capable of providing an independent analysis of our EEGOV and Comprehensive Compressed Air Programs.

## **6 FACTORS THAT COULD LEAD THE COMMISSION TO NOT SELECT THIS CONTRACTOR**

XENERGY knows of no reason why the Commission would NOT select any of our recommended EM&V Contractors. XENERGY is aware of no issues such as outstanding tax liens, bankruptcy proceedings, civil or criminal litigation, or other circumstances that would prevent their selection as an independent EM&V Contractor.

## SIGNATURE PAGE

I, Richard S. Barnes, certify that I have read this document and know its contents; that to the best of my knowledge, information, and belief, formed after reasonable inquiry, the facts are true as stated; that any legal contentions are warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; that the document is not tendered for any improper purpose; and that I have full power and authority to sign this document.

A handwritten signature in dark ink, appearing to read 'RSB' followed by a stylized flourish.

Richard S. Barnes  
Senior Vice President of Implementation  
Systems and Services  
XENERGY, Inc.  
492 Ninth Street, Suite 220  
Oakland, California 94607  
[rbarnes@xenergy.com](mailto:rbarnes@xenergy.com)  
(510) 891-0446

July 2, 2002

## CERTIFICATE OF SERVICE

I certify that, in accordance with the Commission's Rules of Practice and Procedure, I have this day served a copy of Response to ALJ Thomas's Ruling of 6/17/2002 Regarding Evaluation, Measurement and Verification of Local Energy Efficiency Programs, EM&V Contractor Selection for XENERGY's Comprehensive Compressed Air Program (202AB-02) and the Energy Efficient Local Government Partners Program (144AB02) on all parties identified on the attached service list. Service was effected by one or more means as indicated below:

- Placing the copies in properly addressed sealed envelopes and depositing such envelopes in the United States mail with first-class postage (via first class mail);
- Placing the copies in sealed envelopes and causing such envelopes to be delivered by hand to the office of each addressee (via courier);
- Transmitting the copies via facsimile, modem, or other electronic means (via electronic means).

Executed this 2nd day of July 2002, at Oakland, California.

A handwritten signature in dark ink, appearing to read 'R S Barnes', with a stylized flourish at the end.

Richard S. Barnes  
Senior Vice President of Implementation  
Systems and Services  
XENERGY, Inc.  
492 Ninth Street, Suite 220  
Oakland, California 94607  
[rbarnes@xenergy.com](mailto:rbarnes@xenergy.com)  
(510) 891-0446

## SERVICE LIST

abrice@rhainc.com, adiff@aol.com, admin@gesusa.org, agarcia@energy.state.ca.us, andy.bettwy@swgas.com, andy@salasobrine.com, ann\_kelly@ci.sf.ca.us, arago@csi.com, ashish@insyncinfo.com, asowell@scsa.ca.gov, barbara@rhainc.com, bburt@macnexus.org, bfoster@gepllc.com, bgroch@greentechenergy.com, bgwem@igc.org, billknox@dcn.davis.ca.us, BillM@soldata.com, blaising@braunlegal.com, bmast@frontierassoc.com, bob.belhumeur@honeywell.com, brenda@rer.com, bwildman@sbwconsulting.com, cal.broomhead@sfgov.org, carel.dewinkel@state.or.us, carey.hamilton@ci.sj.ca.us, case.admin@sce.com, ceaston@sempra.com, chris@emeter.com, christa.piantadosi@sce.com, ckmitchell@powernet.net, cmurley@gralegal.com, cornstark1@aol.com, cpe@cpuc.ca.gov, craigm@ensave.com, craigtyler@attbi.com, cs@getwise.org, ctd@cpuc.ca.gov, dale.foster@ttemi.com, dale@betterbuildings.com, dan@meek.net, daniel.f.duran@saic.com, darrell@iwfa.com, dbleakly@peakstar.com., dfrey@archenergy.com, dhungerf@energy.state.ca.us, dick@adm-energy.com, difellman@energy-law-group.com, dinalane@gte.net, dinalane@gte.net, dlw@cpuc.ca.gov, dm@getwise.org, dmahone@h-m-g.com, dmb@cpuc.ca.gov, dnorris@sppc.com, don.arambula@sce.com, donlink@jps.net, donpedro1@earthlink.net, drebello@qcworld.com, dreynolds@aspensys.com, dsh@cpuc.ca.gov, dws@keywaycorp.com, dwylie@aswengineering.com, ed.gieseking@swgas.com, ek@a-klaw.com, elsharif@ghpc.org, elvine@lbl.gov, emahlon@ecoact.org, energyanalysis@earthlink.net, eparker@qcworld.com, ercaldwell@maacproject.org, etlowe@aol.com, ewk@cpuc.ca.gov, fdeleon@energy.state.ca.us, fisherconsultants@msn.com, fountain@dnai.com, fspasaro@socalgas.com, gephq@gepllc.com, glynnisjones@earthlink.net, gpeter@mncee.org, gsanchez@rhainc.com, gtraynor@tmarshall.com, info@aeees.org, ipena@ecosconsulting.com, irina@ideasarecheap.com, Jaybhalla@aol.com, jcameron@arcainc.com, jcervantes@sandiego.gov, jcl@cpuc.ca.gov, jdrivera@drintl.com, jerry@abag.ca.gov, jes@cpuc.ca.gov, jf2@cpuc.ca.gov, jhamrin@resource-solutions.org, jimflanagan@iname.com, jimross@r-c-s-inc.com, jjensen@rhainc.com, jkelly@citizen.org, jlb@anyserda.org, jlcrafft@earthlink.net, jlondon@gralegal.com, jna@speakeasy.org, joe\_como@ci.sf.ca.us, john@proctoreng.com, john@proctoreng.com, john\_mclain@pgn.com, johnt@blueowltechnologies.com, jon@vpideas.com, joseph.leung@gsa.co.santa-clara.ca.us, jparks@smud.org, jpeck@sempra.com, jst@cpuc.ca.gov, jsugar@energy.state.ca.us, jsynesio@us-power.com, jtachera@energy.state.ca.us, julie\_a\_white@email.whirlpool.com, jwhargrove@sppc.com, jyamagata@sempra.com, karen@klindh.com, kcann@navigantconsulting.com, kcorfee@xenergy.com, kenm@powerlogic-usa.com, kgarbesi@csuhayward.edu, kkam@sdenergy.org, kmccrea@sablauw.com, kmckenna@ambag.org, kmills@cbbf.com, krfloyd1@hotmail.com, kristine@rhainc.com, kswitzer@scwater.com, lcasentini@drintl.com, lindam@rrcnet.org, lmh@eslawfirm.com, ltgwiz@msn.com, luluw@newsdata.com, lynch@sl.net, MADUNHAM17@aol.com, marcel@turn.org, mark\_gosvener@pgn.com, martha.davis@appl.qe.com, mattb@rlw.com, mer@cpuc.ca.gov, mharrigan@ase.org, michaelgibbs@icfconsulting.com, mike@comfortwise.com, misuriello@attbi.com, mivp@chevron.com, mjberm@davisenergy.com, mmccormick@gralegal.com, mmesseng@energy.state.ca.us, mmoore@sempra.com, moore@ecosconsulting.com, mpa@a-klaw.com, mrufo@xenergy.com, mrw@mrwassoc.com, mshames@ucan.org, msutter@alamedanet.net, mtirpak@icfconsulting.com, mwbeck@lbl.gov, ned2@ci.berkeley.ca.us, neilmiller@earthlink.net, nyg@cpuc.ca.gov, peter\_canessa@csufresno.edu, pfeffer@scag.ca.gov, pfreedman@ecosconsulting.com, pjpowerlaw@aol.com, pmiller@nrdc.org, ppiette@qcworld.com,

pstoner@lgc.org, pwelker@peci.org, qcworldmail@yahoo.com, r0108028@cpuc.ca.gov,  
rachel@ceert.org, rascott@atdial.net, raw@cpuc.ca.gov, rbm4@pge.com, rbordner@emi1.com,  
rdeangelis@energy-law-group.com, reflectormike@earthlink.net, reknuj@aol.com,  
renee\_fernandez@emcorgroup.com, rg1@cpuc.ca.gov, richhogan@hotmail.com,  
rita@ritanortonconsulting.com, rkeyes@attbi.com, rknecht@puc.state.nv.us, rknight@bki.com,  
rlw@rlw.com, rmccann@cal.net, rmowris@earthlink.net, rnaylor@nmgovlaw.com, rob@comfortwise.com,  
Robsharp1@aol.com, rpustinger@rpmsolutions.org, rschmidt@bartlewells.com,  
rsflood@mindspring.com, rsperberg@onsitenergy.com, rsridge@attbi.com, ru4@cpuc.ca.gov,  
rutledgev@publicfm.com, rwwilson@lbl.gov, sam.driggers@ci.stockton.ca.us, sam@energy-solution.com,  
scarter@nrdc.org, sesco-lf@att.net, shallenbgr@aol.com, shiv@quixnet.net, ska@cpuc.ca.gov,  
slwb@pge.com, smecum@qcworld.com, smo@cpuc.ca.gov, springer@davisenergy.com,  
srovetti@puc.sf.ca.us, srt@cpuc.ca.gov, sschiller@nexant.com, sstrom@mncee.org, staples@staples-  
ad.com, staples@staples-ad.com, sthigpen@drintl.com, susan-munves@santa-monica.org, susan-  
munves@santa-monica.org, swentworth@oaklandnet.com, talereza@adm-energy.com,  
tara.dunn@dgs.ca.gov, tara.dunn@dgs.ca.gov, taryn\_smith@dca.ca.gov, tconlon@geopraxis.com,  
tdavis5128@aol.com, ted@energy-solution.com, terryhughes@afo.net, tflanigan@energycoalition.org,  
thamilton@cheers.org, timrosenfeld@earthlink.net, TMichel@egia.com, tnicotre@slb.com, toca@utility-  
savings.com, tom@ucons.com, tom@ucons.com, twombly@kw-engineering.com,  
vfoster@cadvision.com, Vicki.Swank@gsa.co.santa-clara.ca.us, vjensen@icfconsulting.com,  
vthompson@sempira.com, wallis@winegardenergy.com, wally.kolberg@swgas.com,  
westdakota@aol.com, william.dalton@xcelenergy.com, ywhiting@sdge.com, zap@cpuc.ca.gov,  
ztc@cpuc.ca.gov